
HOUSE BILL No. 1355

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-22-1.

Synopsis: Towing abandoned vehicles. Provides that a vehicle that is identified by a license plate or decal as a vehicle used to transport a person with a disability is not considered abandoned and may not be removed until 14 days after an officer tags the vehicle (instead of 72 hours for other vehicles). Provides that a vehicle believed to be abandoned may be removed immediately in an emergency situation.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1355

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-22-1-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) An officer who
3 finds or is notified of a vehicle or parts believed to be abandoned shall
4 attach in a prominent place a notice tag containing the following
5 information:

6 (1) The date, time, officer's name, public agency, and address and
7 telephone number to contact for information.

8 (2) That the vehicle or parts are considered abandoned.

9 (3) That the vehicle or parts will be removed after:

10 (A) **fourteen (14) days, in the case of a vehicle that is issued**
11 **a license plate or decal under IC 9-18-22; or**

12 (B) **seventy-two (72) hours, in the case of a vehicle or parts**
13 **other than a vehicle described in clause (A).**

14 (4) That the person who owns the vehicle will be held responsible
15 for all costs incidental to the removal, storage, and disposal of the
16 vehicle.

17 (5) That the person who owns the vehicle may avoid costs by

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removal of the vehicle or parts within:

(A) fourteen (14) days, in the case of a vehicle that is issued a license plate or decal under IC 9-18-22; or

(B) seventy-two (72) hours, in the case of a vehicle or parts other than a vehicle described in clause (A).

(b) Notwithstanding subsection (a), the officer may have the vehicle or parts towed to a storage yard or towing service before the end of the applicable period set forth in subsection (a)(3) if the presence of the abandoned vehicle or parts poses a threat to public safety.

SECTION 2. IC 9-22-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. If a vehicle or a part tagged under section 11 of this chapter is not removed within the ~~seventy-two (72) hour~~ **applicable period set forth in section 11(a)(3) of this chapter**, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

SECTION 3. IC 9-22-1-14, AS AMENDED BY P.L.104-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) If in the opinion of the officer the market value of the abandoned vehicle or parts determined in accordance with section 12 of this chapter is at least:

(1) five hundred dollars (\$500); or

(2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance; the officer, before ~~placing a notice tag on the vehicle or parts; having the vehicle or parts removed under subsection (b)~~, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(b) After seventy-two (72) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

SECTION 4. IC 9-22-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) A person who finds a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, may:

(1) obtain the assistance of an officer under section 18 of this chapter to have the vehicle removed; or

(2) personally arrange for the removal of the vehicle by complying with subsection (b) and section 16 of this chapter.

(b) If the person wishes to personally arrange for the removal of the

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vehicle, the person shall attach in a prominent place a notice tag containing the following information:

(1) The date, time, name, and address of the person who owns or controls the private property and a telephone number to contact for information.

(2) That the vehicle is considered abandoned.

(3) That the vehicle will be removed after:

(A) fourteen (14) days, in the case of a vehicle that is issued a license plate or decal under IC 9-18-22; or

(B) seventy-two (72) hours, in the case of a vehicle other than a vehicle described in clause (A).

(4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

(5) That the person who owns the vehicle may avoid costs by removal of the vehicle or parts within:

(A) fourteen (14) days, in the case of a vehicle that is issued a license plate or decal under IC 9-18-22; or

(B) seventy-two (72) hours, in the case of a vehicle other than a vehicle described in clause (A).

SECTION 5. IC 9-22-1-16, AS AMENDED BY P.L.104-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If, after ~~seventy-two (72) hours~~ **the applicable period set forth in section 15(b)(3) of this chapter**, the person who owns a vehicle believed to be abandoned on private property, ~~that the person owns or controls~~, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall do the following:

(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.

(2) Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or

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1 poses a threat to the safety or security of persons or property, or both.

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